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ABSTRACT

The purposes of this paper are at least threefold: (1) to identify and explain mediation as a process constituting a deliberate set of sequential acts and nonacts as an appropriate means for peaceful, impartial crisis resoluation of inter racial violence between/among students in secondary public schools; (2) to present mediation as a viable option to direct police action often thought to be the sole immediate, intermediate, or sustained alternative; and (3) to discuss the transfer and applicability of mediation skills and procedures to similar situations in schools across the nation as an equitable, economical, and generally efficient approach. The incidents reported are facts which occurred in a single northeastern high school during the first year of court ordered desegregation. For obvious reasons, neither the school nor the parties, nor any of their personnel, will be identified. (Author)

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MEDIATION: A Transferable Process for the Prevention and Resolution of Racial Conflict in Public Secondary Schools

A Partial Case Study with Analysis

A narrative relating the use and applicability of an impartial intervention process as an alternative for preventing and resolving racial conflict in secondary schools, particularly those involved in compulsory desegregation of student bodies.

By: William F. Lincoln

Date: June 30, 1976

Written with the assistance of the National Institute of Education.

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William F. Lincoln is a full time professional mediator of the Department of Community Dispute Services of the American Arbitration Association. Lincoln is nationally recognized for his training capabilities as well as his accomplishments in resolving disputes related to public school desegregation, adult correctional facilities, Native American involvements, public housing, and community redevelopment.

Preface

The true effort of this paper is to provide guidelines to secondary school administrators, faculty members, non-teaching personnel, and students as to the how's and why's of peaceful conflict prevention and resolution of student racial unrest and other school disputes. Too often, such resource papers are *dysfunctional* because of technical substantive matter and/or a sophisticated academic writing style. The documents go unread and are eventually discarded.

Hopefully, this paper will be different by having met the challenge to be *functional*. Much time has been spent attempting to blend the technical with the readable, and in turn with the real. Consequently, the body of the paper (pages 3-19) is purposely written in the present tense and in a dramatic sense as the author's effort to capture the reader's attention in an actual case presentation.

The author wishes to give special acknowledgment to Ray Rist and Fritz Edelstein of the National Institute of Education's Desegretation Studies Unit of the Education Equity Group. Without their encouragement, assistance, and patience this paper could never have been written.

William F. Lincoln

INTRODUCTION.

The purposes of this paper are at least threefold:

a. to identify and explain mediation as a process constituting a deliberate set of sequential acts and nonacts as an appropriate means for peaceful, impartial crisis resolution of inter racial violence between/among students in secondary public schools.

b. to present mediation as a viable option to direct police action often thought to be the sole immediate, intermediate, or sustained alternative.

c. to discuss the transfer and applicability of mediation skills and procedures to similar situations in schools across the nation as an equitable, economical, and generally efficient approach.

The incidents reported are facts which occurred in a single northeastern high school during the first year of court ordered desegregation. For obvious reasons, neither the school nor the parties, nor any of their personnel, will be identified.

NEUTRAL INTERVENTION: A DISTINCTION AND WORKING DEFINITION.

Third party intervention is often explained or assumed to be neutral. Such is not the case. The introduction of law enforcement personnel into crisis situations, for example, is most usually a utilization of a resource to insist upon and to monitor compliance to law by restoring order. On the other hand, the voluntary entrance of influential political and community persons into highly visible disputes may or may not be helpful since an advocate allegiance is expected by identifiable constituents. At best these resources are *independent, not impartial* because of imposed and/or accepted role expectations, past records of performance, and, at least, a supposedly vested interest in both the means and ends of a resolved or unresolved situation.

The reader should not infer the above statements to be a negativism intentionally implied by the author. Local, state, and federal representatives of law enforcement agencies can and often do perform needed roles in re-establishing, monitoring, and maintaining order as well as an atmosphere of physical security. In one sense these agents may eliminate an immediate crisis and reduce one set of related tensions while avoiding direct dealings with complex causes and their own related latent functions. The use of police force, their very presence and eventual extrication introduces new variables and can cause the installation of different or the reinforcement of old tensions. The actions or non-actions (or alleged actions non-actions) of such agents often produces a common concern to be shared among diverse and once

opposing adversaries -- their immediate removal of police or joint retaliation against them becomes an alleged cause of tensions within the school. The same is often said about the presence and use of political and community leaders.

Although one can begin to take positive advantages of the adversaries new single common concern, i.e., anti-sentiment toward police, the use of this variable can too easily become the exploitation and/or alienation of a real or potential law enforcement resource. In summary, third party intervention should not be assumed to be impartial, although independent, and therefore, not assumed to be neutral. Even though such resource may be helpful in resolving an immediate crisis, the possible negative implications of their use needs to be appreciated. Also, what initially may appear to be the efficient and effective resolution of a crisis may only be its postponement, deferment, displacement or actual formation of a new crisis. Rarely are the complex causes of conflict resolved so simply.

On the other hand, however, school administrators and faculty staff who are less independent and less impartial can be effective conciliators among the student adversaries, but often lack the confidence, skills, and time for adequate follow-through. A conciliator need not be neutral but one who is simply effective in initiating and maintaining controlled interaction between conflicting parties in an effort to resolve differences. The reader will note in the case below, the school's administration and faculty were indeed party to the conflict originally thought to involve only students.

If more than two parties are involved in a dispute as opposing advocates, *what is third party intervention?* The term, most usually associated with labor-management disputes, is misleading when applied to describe *neutral intervention* in community conflict situations which almost always are multi-party disputes.

A Definition: For the purposes of this paper, neutral or impartial intervention is regarded as a process of mediation facilitated by one or more neutrals accepted by the primary disputing parties due to:

a. The lack of identifiable vested interests in the substantive issues or proposals which would directly benefit the mediators or effect their impartiality.

b. The realization that the mediators have neither authority nor power other than that which is collectively granted them by the parties.

c. An awareness that the mediators do not have the right to impose a resolution on any or all parties.

d. The knowledge that a settlement constitutes *what the parties agree to*, despite the objections or preferences of the mediators.

Naturally, the four points above often have to be explained to the parties since mediation is not commonly understood by the

general public. The primary emphasis being made in this section of the discussion is the distinction between *independent intervention* with all its overt/covert influences and *impartial intervention* with all its overt/covert influences but which is conditioned and continually checked by the single as well as collective perceptions of the parties.

THE SCENARIO.

Late September a few years ago. Almost three weeks have passed since the school has been operating under the Federal Court Order of the previous spring which mandated the desegregation of the city's school system through the utilization of compulsory busing of many students. No purpose would be served by presenting data which would more clearly identify the school -- number of students, racial ratios of students as well as faculty, number of involuntary transfers of students as well as faculty, percentage of students being bused, projected full enrollment, average daily attendance, racial breakdown of absenteeism, and so forth. What is being discussed is the process of mediation, as defined above, to resolve racial/student conflict in public secondary education and not the substance of a particular school. Furthermore, the so called vital statistics are not being disclosed in an effort to avoid needless distractions and to deny unjustified opportunities for others to discredit the mediation process as being an applicable alternative in other schools due to different data.

The initial opening and operation of the school has been *smooth* (without serious incident), although tense. Most of the nation's eyes are upon another of the city's high schools from which disruptive ripples are beginning to effect other schools throughout the system. Sporadic incidents of shoving and name calling between black and white students increases. Anti-busing and desegregation leaders claim much is happening inside the school which is not being reported to or by the news media. Rumors become rampant. Local and national news representatives increase their outside vigils fifty yards from the school grounds. A police presence also increases outside the school. Residents of this predominantly white, blue collar, middle income neighborhood sit and wait daily on neighborhood porches from 7:00 a.m. until 2:30 p.m. The weather is mild and clear -- ideal for cutting classes with built in excuses to parents, namely the school is a jungle. White students loiter outside the school. More people are visibly outside the school than the 800 residue of students -- with a fairly even racial division--who remain in the school and who are attending classes regularly.

Ice cream trucks come and go frequently. Day after day the atmosphere is perfect for a community block party or a riot. One day both occur.

Black and white students and adults are injured and arrested. The school is closed to students at least. Emergency faculty meetings are held. Black and white community leaders, agency

staff, clergy, and parents demand separate meetings with the school's administrators. Integrated groups of pro-busers seek their turn, but are bumped by the police, news reporters, School Department officials, School Board members, and City and State political personages or their representatives. Everybody seems to have the answer to the problem. All try to intimidate the school's administration to accept their individual plans.

All want to be present in the school. All want to help. All are reluctantly granted such permission by a tired Principal. In less than four hours following the disturbance non-school agencies, each having two to ten representatives, are granted access inside the school without any lines of accountability or role definitions except to be "monitors and a calming influence" to students. Such resource overload will be discussed later.

On Monday school is reopened with low student attendance. On Wednesday it is shut down. The fact that student disruptions can and will close the school is indeed firmly established.

THE POINTS OF ENTRY.

The following account may seem a bit dramatic, but nonetheless is necessary if the reader is to understand fully the process being discussed.

Both the Offices of the Mayor and the Superintendent, conflicting entities, request the immediate services of the agency with which the author is associated --as if some secret potent anti-riot formula exists.

The author, as a would-be mediator in this situation, first responds by offering several conditions:

a. No advance news releases of the request or pending involvement are to be made.

b. Even if eventually under a monetary contract with either or both Offices mentioned above, neither the mediator(s) nor the agency will have any obligatory requirements other than a presence on site.

c. Neither the mediator(s) nor the agency are to be granted any decision making powers nor is such to be erroneously implied to the news media or general public.

d. Entrance into and extrication from the scene by the mediator(s) will occur only whenever authorized representatives of the primary parties, yet to be fully identified, requested such.

The ways and means utilized by a mediator for a point of entry into a dispute are crucial. Neophytes of the vocation are often visibly over anxious for entrance. If the mediator becomes

suspect by the parties, rejection or ejection is predictable unless one or more of the parties wishes to misuse the services for other purposes such as a delay tactic or an effort to improve one's image. The anxious mediator is ineffective and frequently used as a scapegoat for reoccurring or new problems. Note how often the news media reports a mediator's ineffectiveness, and not that of the parties with whom s/he was working.

When the mediator arrives the school has just that day been again reopened and disrupted, but not yet closed. Hundreds of white students are on the school's front steps demanding of their peer leaders to try one more time to secure a meeting with the school's administration. Word is quickly circulated among these students --the Principal refuses to meet. "Let's have our own meeting. Right now. Everybody to the auditorium" is charged to the crowd by one of the students who has been highly vocal during the past several minutes. In they go, orderly, swiftly and without question.

Point One: The mediator does not announce his presence, disclose his identity or purpose, or become involved in any substantive discussions with the participants.

Once entering the building, the mediator reports his presence to the Principal's Office which is unaware of any Central Office request for such services. Credentials, in the form of a simple business card with two hand written questions on its reverse, are submitted to the Principal by a secretary: "Should I honor the Superintendent's request to assist you? Can we meet for two minutes now?"

Point Two: The mediator is attempting to establish credibility with the Principal by avoiding any action which could be considered either unilateral or reliance upon a higher authority, the Central Office.

The Principal agrees to an immediate meeting in which the mediator simply states he is not sure if he really can be of any service. He further states his belief that no simple solutions exist. Is there anything the Principal can relate to him which might shed additional light upon the situation?

Point Three: In less than a minute the mediator exercises a four step procedure to gain credibility with the Principal.

a. Recognition of the Principal's authority and responsibility by seeing him before doing anything in *his* school.

b. Avoidance of high and immediate expectations.

c. Affirmation, with empathy based upon experience, of an exceedingly complex situation for anyone, no matter who is Principal.

d. Acknowledgement of the Principal as the primary resource for information, thus giving the Principal an opportunity to ventilate while educating the mediator.

After a forty-five minute meeting the Principal asks what he himself is to do --the auditorium is filled with white students, the cafeteria with black. "Is this non-interaction between groups better than the type recently experienced in the corridors and around the school grounds?" is asked of the Principal. "I guess so." is the reply. "Look, do you want me to give it a try?", *whatever that means*, is proposed back to the Principal. "Yeah, okay. But see me before you leave the building."

Point Four: Despite the opportunity the mediator *offers no direct suggestions* other than to acquire permission to be in the building for professional purposes which the Principal indirectly already asked to be performed.

The mediator excuses himself and goes immediately toward the auditorium located directly across the corridor. As he approaches the door, he hears adults being shouted down and ejected by the hostile white students. He correctly assumes these adults to be other school administrators, faculty members, local politicians, social agency staff, or parents. Each time adults beggingly try to justify their presence, students shout "No! No! Out! Out!" He does not enter the auditorium, but patiently views the proceedings from outside. The same student who influenced the crowd to enter the auditorium is still in charge of the group, still the primary speaker.

Point Five: The mediator makes no attempt to impose his presence upon the group by intruding their firmly held turf, and he carefully avoids identity with those who do intrude.

As predicted, the student-in-charge begins to share the floor with other students whom he alone appoints to speak. Obscenities and racial slurs are made by each speaker as the feeling is boringly reaffirmed that the intruding blacks have no right to be in this school. The group wants action. Finally the student-in-charge announces he is going to the bathroom but ... "will return!" with approving laughter and shouts of "Steve! Steve! Steve!"

When he exits through the door, the mediator personably and casually addresses him "Steve, what would happen if five or six

black students challenge you and five other whites to a negotiation session in the library?"

"Hey, that's a good idea. When?"

"I don't know. Noon?"

"Yeah, noon. That's a good idea!" he again exclaims as he heads back into the auditorium with great haste.

"Steve?"

"What?" is returned annoyingly.

"Remember, I only asked. You made it your idea. Give 'em hell!"

"Right on!" with a smile.

The mediator does not wait to view any more proceedings, but swiftly acquires directions to the cafeteria.

Point Six: Noting the restless frustration of a hostile, action-oriented crowd and its leaders, the mediator makes a personable and casual approach to the student-in-charge who needs a fresh idea if his leadership is to be maintained. *The idea is given as a question, not as a proposal, and quickly and completely is transferred to the sole ownership of the student.* In order to avoid a sudden highly visible unpredictable emergence before the group, identity with the idea of the proposed meeting (particularly if it was rejected), or interference with the presentation of the idea to the white students assembled, the mediator leaves the scene. Such action is not a process of manipulation, but of *ownership.* The student-in-charge could have easily rejected the initial question. If so he would have received no argument, but simply have been asked another question, then or later. That next question might have been "Will the papers make it appear that you are afraid to meet with blacks?" The mediator could hardly be damned for asking a question. Not so for pushing an idea or lingering in order to receive due credit or rejection. Mediators must be willing to "let go" for their own sake as well as for the sake of the parties.

The mediator moves to the fringe of the cafeteria to a not unsimilar scene just left. A few white teachers and police officers conspicuously monitor the situation just inside the entrance. Their presence does not inhibit the speakers. A black student is standing on a table demanding of the crowd they become organized together for unity and protection. A few young black adults, male and female, shout back, "Dana, come on. . There's got to be another way."

The mediator inquires of the white teachers who the black adults are. "Ah Christ, who knows? Probably from some publicly funded

agency." He moves outside the cafeteria, walks around the area, and approaches the door where the black adults are standing. He then beckons their attention.

"I think the white students are discussing a possible meeting with black students. What do you think, is it worth a shot to see if half a dozen from each side might talk some of this stuff through? Will Dana buy it?"

"Yeah, hey Dana ....."

"Look", the mediator says turning to a young lady, "I'll be upstairs outside the auditorium. Let me know, okay?"

Point Seven: The mediator basically uses the same approach for the same reasons already stated, namely, *ownership* coupled with *equity*. Both groups have the same opportunity to convert somebody else's question into their own idea, their own control -- or reject such!

When the mediator arrives outside the auditorium, the area is swarming with white students around a bewildered Steve who is obviously looking for somebody. Spotting the mediator, he yells ...

"Mister. Over here!"

"What?"

"What? What now? We've got eight kids."

"Eight kids for what?"

"To meet with the blacks at noon in the library."

"Is that what you want to do?"

"Yeah, we put it to a vote and these four girls and us were elected."

A spirit of ownership for the proposed meeting is firmly established.

"Steve, why don't you wait right here. I'll be back in five."

The mediator literally barges into the Principal's Office with full apology:

"Look, we've only got a minute. Maybe one shot at getting out of this today. If both sides wanted to send eight reps each to the library at noon for a joint meeting, would you go along with it? Here's what's going on ....."

"Jesus, I guess so. Will you be with them?" asks the Principal.

"Most definitely, that is if you want me and they do too."

"That has to be a condition. Who else? What adults?"

"Nobody, unless I pick. I don't know right now."

"It's your show." claims the Principal.

"Nope, it's yours. What about other ground rules?" asks the mediator.

"Like what?"

"Oh, say all other students must peaceably leave the building if this meeting is to take place?"

"Buses are ready now."

"Is that a 'yes'?" the mediator asks.

"God, I don't want to close the school again."

"Early dismissal? Too semantic?"

"Yeah. It's the best we can do. Dammit!"

"How about transportation for those kids attending the meeting?"

"I'll arrange something even if I have to do two separate trips myself." replies the Principal.

"You'll talk to Steve about the ground rules?"

"Bring him in." is muttered by the Principal as he turns, wipes his forehead, and reaches for the phone.

Point Eight: Both the Principal's authority and responsibility are reaffirmed. Ownership of the meeting has gone full cycle. There is a good chance the building can be peacefully cleared while, at the same time, a process for substantive dialogue can begin.

Steve is brought into the Principal's Office, but only after he charges the others to "keep it cool." The mediator starts the conversation.

"Steve, you've got a rough one and you know it too, don't you?"

"You ain't kidding."

"Press is just waiting. It all may be up to you - but we're with you, aren't we." he says, turning to the Principal.

"That's right, Steve, we are." The Principal's confirmation is very helpful.

The ground rules are covered and discussed. Steve enjoys his elevation to fully acknowledged leadership. He asks for nothing in return. He is reassured by the mediator and the Principal of full support, although nobody is really sure of what that means, what form it could take. The mediator speaks again.

"Steve, can you hold things together while I check downstairs?"

"Yeah, but it won't be easy."

"I know. Ready?"

Knowing full well blacks, student or adult, would not come upstairs the mediator returns to the cafeteria.

"What's up?" he asks the adults.

"They're voting their reps now."

"How many?"

"Six. It's close on a couple of kids."

"Whites got eight." the mediator informs them.

"Then we're going to have eight!"

"No problem" remarks the mediator quickly.

"Dana ...." is addressed by the adult over the crowd.

Eight are elected, five males and three females.

"Are you going to be with the whites?" asks the black adult spokesperson.

"I'm going to be at the meeting, but not *with* anybody."

"I'd like to be there, too."

"Is it okay with the black reps?" asks the mediator.

"I'll make it okay." is replied with a smile.

Both men laugh.

"Will you and Dana meet with the Principal?" the mediator inquires.

"Downstairs in the cafeteria?"

"No good. Upstairs in his office?"

"You're crazy, man."

The mediator informs this black adult of what transpired between the Principal and Steve.

"How about a room off to the side, -- you, me, Dana and the Principal?

"I'll get him. Be downstairs in a minute."

Within five minutes, an almost identical meeting occurs with Dana as did occur with Steve shortly before. The Principal turns to the mediator and asks,

"What next?"

"Oh, how about a summit meeting between yourself, Dana, him, Steve, and the C.O. for the police? How about a faculty rep? They must be wondering what's going on. Okay with everybody?"

"Where will we meet?" asks the black adult.

"Principal's Office? We'll get a police escort for you and Dana."

The black adult and the mediator introduce themselves. Dana too.

White students have already begun to leave the building in large numbers. Steve and the other reps are urging them to leave so the meeting can take place. Once outside the police politely but firmly move the students some distance past the waiting buses. Officers mounted on horses keep the students back. An endless amount of police motorcycles weave in random as do cowboys rounding up straggling calves. Some obscenities are shouted to police. They do not stir. A discipline prevails: Don't be provoked. Cruisers line the streets. The"riot squad"stands straight, still, silent. Every porch is filled with area residents.

Inside, the summit meeting begins. The Principal introduces the mediator who accurately but crisply relates the events of the day in which he has been involved. "Any questions? Any problems?" None.

It is decided by the group present that the Principal will officially announce through the PA system the early dismissal of school and the pending meeting. All students in the upstairs corridors and auditorium will leave first. "White" is not to be mentioned. All students in the cafeteria and downstairs rooms who require, or desire, bus transportation will assemble upstairs when announced. "Black" is not to be mentioned. Steve will then address the first two floors over the PA. Dana will follow with an

announcement to be heard only downstairs. Any obscenities or racial remarks made in the announcements will cause an immediate cut off of the PA system and arrests for inciting a riot will be made of the speaker. This is firmly imposed by the Police Captain as a caution to the two students. The mediator continues to facilitate the discussions by asking questions.

Point Nine: Adversaries have their first face-to-face meeting in a controlled environment. An intermediate yet substantive process results in agreements made by all.

The announcements are made. White students leave orderly. Black students file upstairs and are quickly organized into the order of parked bus positions. Jeers can be heard outside. Some of the black students are hysterical, panic stricken, reluctant to leave. The mediator asks if a double line of Police Officers could line the route from the sidewalk (where busses are parked) all the way to the front door of the school. Done. He addresses the black students. "When the door is opened, all you are going to see is blue with yellow at the other end. If you get on a wrong bus don't worry. All buses will receive an escort to an undisclosed area where reloading can safely occur. Now, anybody know a good joke? Okay, see you in school tomorrow."

"You mean on the newsreel tonight!" someone yells. Everybody laughs. The doors open.

Is it a thundering roar or silence? Nobody will recall. In less than ten minutes, the caravan of buses, the crowds of white students and other neighborhood residents, the throng of police vehicles, and the pool of news media representatives are all gone. The school grounds and surrounding area are all but deserted.

Elected students from both sides converge into the library without incident for a joint exploratory meeting. A few faculty members, social agency staff, clergy, and a State legislator are also present. The Principal appears, as previously designed, to briefly address the students and introduce the mediator. In turn, the mediator walks and talks as he offers a few credentials, tells of his having met Steve and Dana earlier that day, commends everybody for their role in helping with the orderly dismissal of school and participates in some casual joking on the side. He briefly outlines a process for discussing the issues, informs them of his willingness to help, and asks, do they want him present at this meeting? Steve and Dana reply "Yes!" The others quickly concur.

Point Ten: The points of entry are completed when the authorized representatives of the two separate student groups jointly agree in response to four issues.

a. A meeting will take place with the members of the *other side*, their adversary.

b. The number of representatives for each side, the time, and the place of the meeting are settled.

c. All agree to a long and tedious process of negotiations with mediation assistance.

d. The mediator himself is openly accepted by both sides.

The above ten points and their various components do not represent a sequence of actions recreated through reflection, but were deliberate acts on the part of the mediator. To be sure, the above set, as a whole, could only be duplicated in a similar repeat situation. Yet, within these ten points are some basic principles which mediators must consciously keep in the forefront of their minds.

a. The mediator must not be perceived as anxious to become involved or s/he will surely be under suspect by the parties. Each mediator must examine the motives for wanting to become involved in conflict situations. Even if the mediator believes s/he can be helpful in assisting the parties resolve their differences, a cautious non-imposing posture must be maintained at all times during the points of entry.

b. The mediators must remind themselves that they themselves are probably not neutral, but do have the ability to facilitate a neutral process. If for any reason they sense they cannot or have a particular identifiable self-interest to gain from a specific substantive proposal, they must disqualify themselves.

c. *Acceptance, not popularity,* is the aim of the mediator. Close identity with either side(s) must be avoided.

d. Discussion of specific substantive issues ought to be avoided until a collective exploratory meeting is agreed to and held. If this task appears to be impossible, unfeasible, or unwise, then "shuttle diplomacy" needs to be instituted.

e. Confidentiality must be maintained.

f. Mediators must be careful not to confuse their roles and become "technical consultants" with ascribed or achieved authority. One can never completely avoid this expanded role, but an eagerness to accept it quickly can spiral until the mediator becomes an actual party to the dispute.

g. Mediators must not impose proposals, but always

remember the best agreement is the one developed by the parties. Mediators can send up trial baloons as well as poke shots at those sent up by others in order that people see the latent functions of actions and non-actions. A good way to accomplish this is simply to ask questions, lots of questions.

h. Mediators must maintain a posture that they'll assist only as long as all parties agree that such assistance or presence is beneficial.

i. Not everybody wants resolution of conflict. Mediators can try, but "you can't win them all."

PROCEDURAL MATTERS.

Ending the immediate crisis is one thing, resolving the complex issues of conflict are quite another. This is where many would-be mediators go afoul - either because of exhaustion or a lack of knowledge of process. Let's return to the exploratory meeting.

The mediator has been accepted by the primary representatives of both groups of students, black and white. Also present are many non-students - some who want to assist, some who want to be heard, some who simply want to be witness to the proceedings. A State legislator has already assumed the floor and is damning busing while reaffirming his stand for quality education and civil rights in general.

The mediator interrupts the politician with an apology.

"Excuse me, Sir. Steve? Dana? Am I right in assuming you want this meeting in order that black and white students might have a chance to talk things through?"

"Right."

"Besides yourselves, your friends who were chosen (the word elected was avoided) and myself, should anyone else be here? What about Bob?" pointing to the young black adult already referred to earlier.

A brief discussion. Bob's presence is approved.

"But nobody else, nobody" is echoed by both sides.

"I just want to say ...." starts a teacher.

"Excuse me, Sir", the mediator says again. "The Principal wants the students to have this meeting. Would you kindly clear the room now? Give the kids a chance?"

The Principal quickly acts to assist the effort to clear the library. He orders some to leave the building. Students cheer.

Step One:

Who should be present is firmly established. In reality this is another agreement, the importance of which will be seen later.

"Okay" resumes the mediator, "Where do you want to start?"

All hell breaks loose. Yelling accusations back and forth. Most of the sixteen students are talking at the same time. Nobody is listening. Bob stands up to quell the scene. The mediator stops him. "No, not yet. Give them a chance to get some of this stuff off their chests before discovering the uselessness of this format. Casually circulate around the table." is the mediator's advice.

Ten minutes later several students stop talking. A few of both races are preparing to leave for home or somewhere.

"Have you had enough?" the mediator asks the entire group. "Some people are saying one way or another this is no good. What do you think?"

"Only one person at a time", states a black student who was preparing to leave just moments ago.

"Yeah, each kid should have two or three minutes to say what he wants to. You can say a lot in two minutes." is Steves contribution.

"How about it? One person at a time, each for two minutes -- anything goes? Bob and I'll enforce it? Everybody agree?" the mediator waits. Everybody agrees.

"Okay", Bob states. "Steve, the two minute idea was yours. Why don't you pave the way."

Step Two:

A self discovery on the part of the group is acquired namely, ground rules for order need to be established. Again, this is another agreement. It should be noted here, however, that most people don't like chaos. They are frustrated by it and sometimes even embarassed by it. It is far better, however, to wait through it for the right moment to stimulate the creation of order. The initial response is to yell too, but such only adds to the noise and to the confusion. Such an ineffective action will be inferred by the parties that the mediator is ineffective. Non action is less noticeable. The casual circulation around the room by

the mediators provides a sense of security through an uninvolved presence.

Steve starts. Occasionally, the mediator or Bob go over to students to discourage occasional interruptions by reminding them their chance will come. And so it goes. Some describe incidents. Others make accusations. Just about everybody uses racial slurs and common street language. No censoring is imposed although Bob initially wants to stop the swearing. The mediator, however, reminds him that for now they are basically enforcers of the ground rules established only moments ago. The swearing continues.

Step Tnree

Ventillation is a necessary part of the mediation process. Everybody has a few things burning inside them, things which just have to be said in order to clear the air. Most people are afraid to allow a group to ventillate anger. They short circuit the process. Keep the anger penned up instead of allowing it to be released in a controlled manner, one person at a time. Physical violence is unlikely to occur in a situation like the above -- not in a room in which everybody can be identified so easily.

The final student concludes. The mediator addresses the entire group. "How do you feel?" He waits. A few respond with murmurings, but most simply look down at the table. "You really didn't think you were going to settle this whole thing today, did you?" Still no response. "Tell you what. If you were allowed to come to school tomorrow in order to have a full day to discuss the issues and suggest solutions, would you come?" The enthusiasm was predictable. "Well, no promises, but we'll try."

Bob goes to the Principal's Office to relate the option. He returns with the Principal's approval. A joint sense of achievement is felt among the students.

"Now, what time should we start and where shall we meet?" is tossed to the group for discussion and resolution. Almost as an afterthought the mediator says, "Oh, two things more. What about the press? They're outside waiting for you now." The group decides to write a short release about today and tomorrow. No oral interviews will be granted. They name themselves the "Student Biracial Committee".

"Next, is it possible and are you willing to keep the calm tomorrow?" The group quickly discounts any idea of working in black-white teams for fear their friends will regard them as having sold out. They develop assignments for one another to be performed before school, during class passings, in the cafeteria, and at the time of dismissal. Confidence reigns.

Step Four:

Closure is the name of the game. So far, students agree to a joint meeting, where and when, who and how many should attend, the use of a mediator, basic ground rules for discussions, a press release, general assignments to establish/maintain calm in the school, and a subsequent meeting to be held the next day. What more could have been asked? What more could have been expected?

Next Day's attendance is down. Again the porches are filled with people; the streets with boycotting students, police and press. Black Committee members assist bused students into the school. White Committee members delay their friends from entering the school grounds until the last bus is emptied. At 8:15 a.m. all Committee members are again in the library. They will stay here all day except during class passings, at lunch hour, and at the dismissal of school.

Some members want to make a constitution. Others persuade them not to do so. Too time consuming. Time must be used for the crisis at hand. A few want to discuss busing -- the whys and hows. Again the group response is eventually not to discuss something nobody but the Court can change.

The mediator simply asks questions: *Questions for the sake of clarity, reality, and implications of actions as well as non actions.*

The group decides to divide into two separate caucuses along racial lines in order to

a. give each group a chance to work alone.

b. identify issues.

c. rank issues in priority concern.

The mediators, now Bob as well as Lincoln, can go in and out of either group; can participate as they saw fit, but with the approval of each group; but cannot disclose to one group what the other group is doing. Trust for the mediators is now established.

Step Five:

Issue identification and priority ranking are important procedural matters in order to provide some form of structure in which to work. Very often each participant and, therefore, each group will have very different agendas. This step means each group has to deal with *internal team bargaining* before approaching the other party(s). All parties have then to negotiate collectively with one another in order to determine what issue will be discussed first. If this is not accomplished a disorderly ventillation process will occur.

The reader should now clearly be able to see the importance of procedural matters whether they number two or twenty. Such sequential steps not only allow ventilation and provide a needed structure for discussion, they also assist the parties in getting into a cooperative negotiating work habit. These are no easy tasks to perform, no easy results to achieve. Disputants would much rather move directly to solutions - at least to issues - than to such housekeeping tasks. If avoided, the crisis can be intensified.

Administrators and teachers tend to avoid this aspect of dispute settlement, or rush it, or impose their own rules of order upon it. To be sure the most durable patience is tested, but there is no substitute for procedural matters developed, agreed upon, and adhered to by the disputants. Such can defuse the initial crisis.

Why? Because an agreement denotes an *equity* of the parties and the struggles to get an agreement fosters *ownership* of the process by the parties. These two words keep reoccurring. It is their dispute. If a durable settlement is to be achieved then a.) the very process for developing such an agreement must be perceived as equitable by the parties and, b.)the mechanism for achieving the agreement itself must also be agreeable in every way to the participants.

So far, we have drawn a distinction between independent and impartial intervention, presented one sequence to achieve a point of entry, and have discussed the importance of procedural matters.

SUBSTANTIVE ISSUES.

Once the primary issues are separately identified and ranked in priority by the parties, the mediator's task is to find a common denominator or mutual interest of the parties. Such is again primarily accomplished by asking rather pressing questions. In this particular case, however, the task is greatly simplified. Both groups of students rank as #1 similar concerns:

Black students claimed disciplinary actions against them by faculty and administrators are inconsistent and smack of racial discrimination.

White students claim disciplinary practices show a double standard -- whites are treated more harshly than blacks because teachers are afraid to deal with minority students.

Both groups want the mediators to acquire statistics to back their allegations.

"Why? What good will it do? If statistics show more blacks suspended or even arrested will that wipe away the feeling you whites are being treated unfairly?" asks the mediator.

"No!" whites reply.

"If the figures show there are as many disciplinary actions against whites as blacks, will black students feel better? Will they believe it?"

"No!" blacks respond.

"What are you both really saying? Are you suggesting a clear, predictable disciplinary code be written?"

"Yes!" both sides jointly answer.

"Are you saying such a code needs to be monitored in a way which you regard as fair, with checks and balances?"

"Yes!? is again the joint affirmation.

For the purposes of this paper it is not important to provide the substance of this resolution, but it may prove helpful to provide a sequence in the past tense as completed.

a. Lincoln, the primary mediator, approached a defensive Principal and his administrators. The case was made and accepted that if a revision of the present system could be developed and accepted by both black and white students, the administration would no longer be vulnerable to such accusations of double standards and discriminatory practices.

b. The mediator approached a resistant faculty which claimed it could save a lot of time by offering its own revisions directly to the Principal for adoption and immediate implementation. And, incidently, their willingness to offer a few revisions in no way meant the existing code was inadequate. Department Heads supported the faculty.

c. In record speed, the faculty developed an entire new system in a sketchy three-page document. This was presented to the Principal who immediately gave a copy to this biracial group of students for study and comment.

d. The students retired to a weekend retreat center made available to them by a local church. To the shock of everyone they developed a twenty-page revision, including comments, and a design for an in-school biracial student-faculty grievance hearing process. The Principal expressed his admiration - and his leaning toward the student alternative. Department Heads supported the Administration.

e. The faculty asked the students and the administration if they could all jointly plan (negotiate) together.

f. Similar procedural steps were instituted as mentioned earlier. Within one week the final disciplinary code was jointly developed and settled to the satisfaction of all the parties, including the Department heads!

g. In the spring twenty-four students and teachers were trained for six biracial hearing panels, each panel consisted of four members.

1	1
Black student	White Student
1	1
Black teacher	White teacher

All decisions were by total concensus. No impasse would be accepted by the Principal

h. The "spring offensive" predicted by so many never occurred. Many people claimed the new code and hearing boards were the basic reasons why this was so. If this be true, the process deserves as much credit as the code/ appeals design.

i. The process of negotiations with mediation also resulted in the following:

1. A new system of selecting cheerleaders.

2. A new method of involving students in extra curricular activities.

3. A sixty-member black and white student aide program aimed at assuring better security within the school.

4. The expulsion of all community resources which would not enter a social contract with the school's administration and comply with the agreed-to lines of communication and accountability.

This last point hints to what is commonly called *resource overload*. By Christmas, for example, this school had thirty-five community agencies walking in, around, and out of the school at their own free will. Most of these groups had no definitive role to perform. When asked what their function might be, the usual reply was "observing and monitoring." On any particular school day it was not uncommon to count over one hundred such representatives. They would use faculty lounges, as well as the student cafeteria. They would park cars in spaces reserved for faculty and other school staff. They would openly defy smoking and food consumption policies. When students, faculty, and administrators attempted to involve them in the development of a "binding social service contract" they declined to participate. When such was developed most refused to cooperate. Although they warned their exclusion from the building would cause riots in the school, they were expelled anyway. The calm prevailed.

This author's experience has shown most school administrators accept outside community resource too quickly, too often. The last thing a school needs is self-appointed monitors or crisis outreach intervenors who not only lack training but constantly loiter and,

therefore, actually become a needless liability. If a community resource is not committed to assist the school in operating without its own extra presence then that resource is on the scene for its own interest and ought to be dismissed. All community resources ought to be required to sign a contract as to purpose, functions, time/hours to be present, format of regular progress reports, and to whom in the school they are specifically accountable, i.e., a binding social service contract.

The school being discussed did experience one racial disturbance midway through its second year under the Court desegregation order. The calm was aggravated by a. the simultaneous renovations of five classrooms which caused severe overloading in other areas already congested and, b. white and black students who, as a practical joke, persuaded a special needs student to burn an American Flag. Some variables nobody can anticipate, never mind control.

WIDER APPLICABILITY

Although direction for applicability appear throughout this paper, it is perhaps necessary to make a few additional comments.

a. Most racial conflict attributed to school desegregation can be avoided by advance collective planning involving students, faculty, administrators, parents, and law enforcement officials as well. Advocates against such joint planning claim the process is one step from *community control* of the schools. A riot, however, is *no control* and a sustained significant law enforcement presence as in the case of South Boston High or that City's Hyde Park High is certainly close to *police control* of the schools.

b. Special attention ought to be placed upon training the participants mentioned above in collective negotiation skills in order that they have confidence in themselves in using the process, and consequently, utilize it.

c. Serious consideration ought to be given to the development of equitable procedures to deal with the adjustment of extra curricular activities, student participation in school service programs, and discipline codes with in-house grievance boards as mentioned above.

d. Credible persons within the school ought to be trained in efficient fact-finding procedures in order that incidents might be quickly resolved and rumors dissolved.

e. And finally a capability ought to be identified or developed to perform impartial intervention services such as direct mediation. Perhaps only through

> mediation can be the public secondary school deal with the comprehensive causes of conflict which too often go unnoticed, untouched until a violent crisis occurs. Unfortunately, even then the real causes receive only superficial treatment. Administrators and faculty members simply lack the time -- and usually the confidence and skills -- to give due attention to this process.

If underlying currents of discontent -- real or imagined, but nonetheless perceived to be true -- are not effectively handled; if students -- white or black -- do not sense equity in the system with which they are most closely identified and absorbed; if these same students do not sense some ownership of participation in what will affect their immediate and distant lives; if a desegregated public secondary education becomes a tense, traumatic experience, then our nation's children will be deprived of what should be an essential element of our educational process, namely, the right to learn with and from young citizens of different hues, cultures, and backgrounds in an atmosphere free of fear and violence and, therefore, conducive to the free flow of information and knowledge. The mediation process affords the opportunities to deny or at least minimize violence as a "given ingredient" in social change.

CONCLUSION.

Obviously one cannot hope either to learn or to acquire all skills by reading a few pages. The author does contend, however, some basic principals -- both do's and dont's -- have been correctly identified and adequately presented to the reader for some positive actions and restraints in similar school situations, if not in many other situations as well.

One point of caution, however. The above is only a sketch of real occurrences and fails to acknowledge the full complexity of the situation. For that reason a minimal discussion of some of the negotiation-mediation dynamics is still warranted.

The three figure charts attached identify some of the complexities referred to.

Figure #1. Internal Team Bargaining is an effort to show the degree of conflict within each team. The three non bussed black students who were previously enrolled in the school initially accused their remaining five team members of trying to take over the school for their own interests. White students weren't unified either. Some wanted to feed the cause to end bussing, some simply wanted conflict, and others wanted peace to prevail in order that their senior year would not be further marred.

The administration team was not free of conflict. The Dean of Students and the Student Coordinator alligned themselves across racial lines. The Principal was attempting to exert leadership and authority while a second "acting" Dean of Students remained an obvious silent observer in the process as a means not to jeopardize his quest for a permanent appointment.

Department Heads (neither administrators nor faculty) often attempted to agree simultaneously with the administration and the faculty.

The two new faculty team members accused tenured faculty of being out-of-touch with contemporary trends, being irrelevant to modern education goals, and being racists. In turn these two untenured faculty members were emphatically told by other team members that they were undisciplined, inexperienced staff who could hardly be regarded as professional, credible, or knowledgeable.

Figure #2. Multilateral Bargaining clearly documents the complexity of the table and the dynamics of conflict. Although white and black students found tentative common ground much conflict remained between them. The non student school team (Administration, Department Heads, and Faculty) was really composed of three teams. In summary then, what often appeared to be bilateral negotiations involving two groups was in reality multilateral negotiations involving no less than five groups.

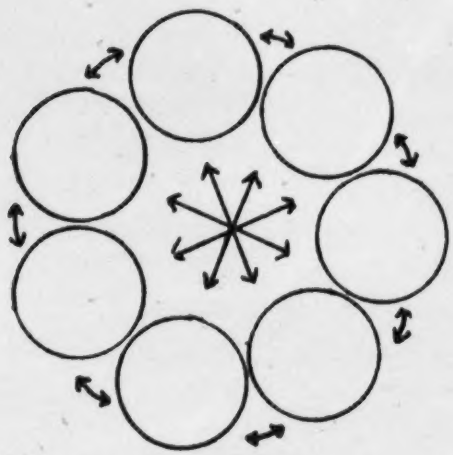
In addition to these dynamics, external pressures, as identified, were also being felt by the entire table.

Figure #3. Vertical Bargaining identifies the "check points of ratification" -- real and contrived -- which each group desired or was obliged to include in its own decisionmaking process. Naturally the table reflected these influences.

The above references are meant to clarify various dynamics for the reader, not to offer confusion. Simply stated, one cannot negotiate or mediate without a firm awareness of these dimensions.

Hopefully, these pages provide substantial direction to show mediation is a viable form of dispute settlement because of identifiable skills which can be taught, used, and then transferred for broad application.

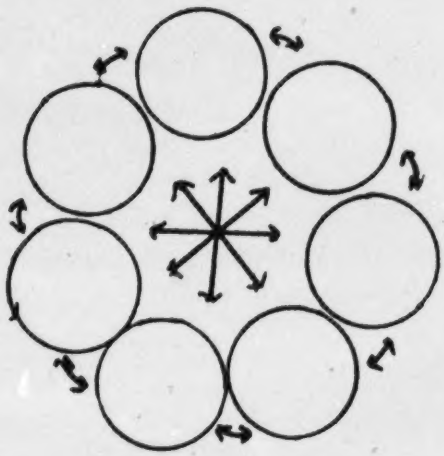
INTERNAL TEAM BARGAINING DYNAMICS



BLACK STUDENT TEAM

5 BUSSED

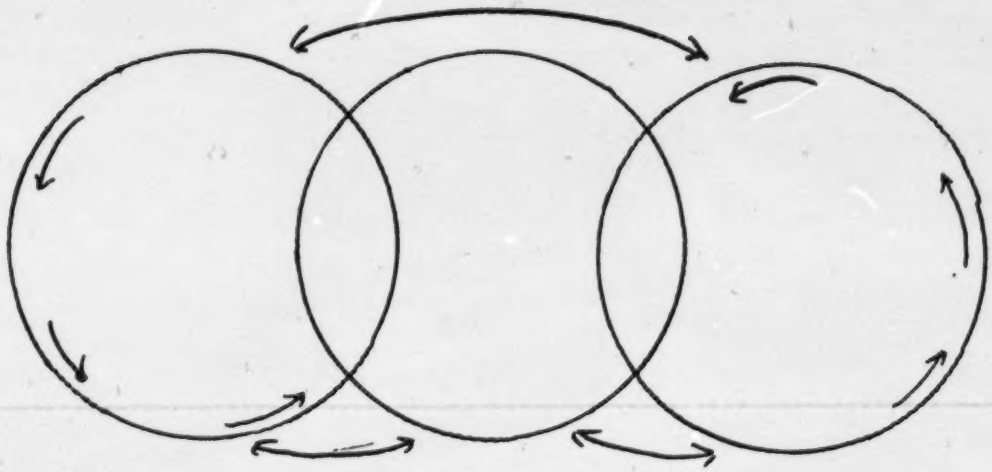
3 NON BUSSED AND ENROLLED IN SCHOOL PRIOR TO COURT ORDER



WHITE STUDENT TEAM

8 NON BUSSED

ALL SENIORS



ADMINISTRATION TEAM

PRINCIPAL

DEAN OF STUDENTS

ACTING DEAN OF STUDENTS

STUDENT COORDINATOR (NEWLY APPOINTED, BLACK)

3 WHITES

DEPARTMENT HEADS

3 WHITES

FACULTY TEAM

PRESIDENT, FACULTY SENATE

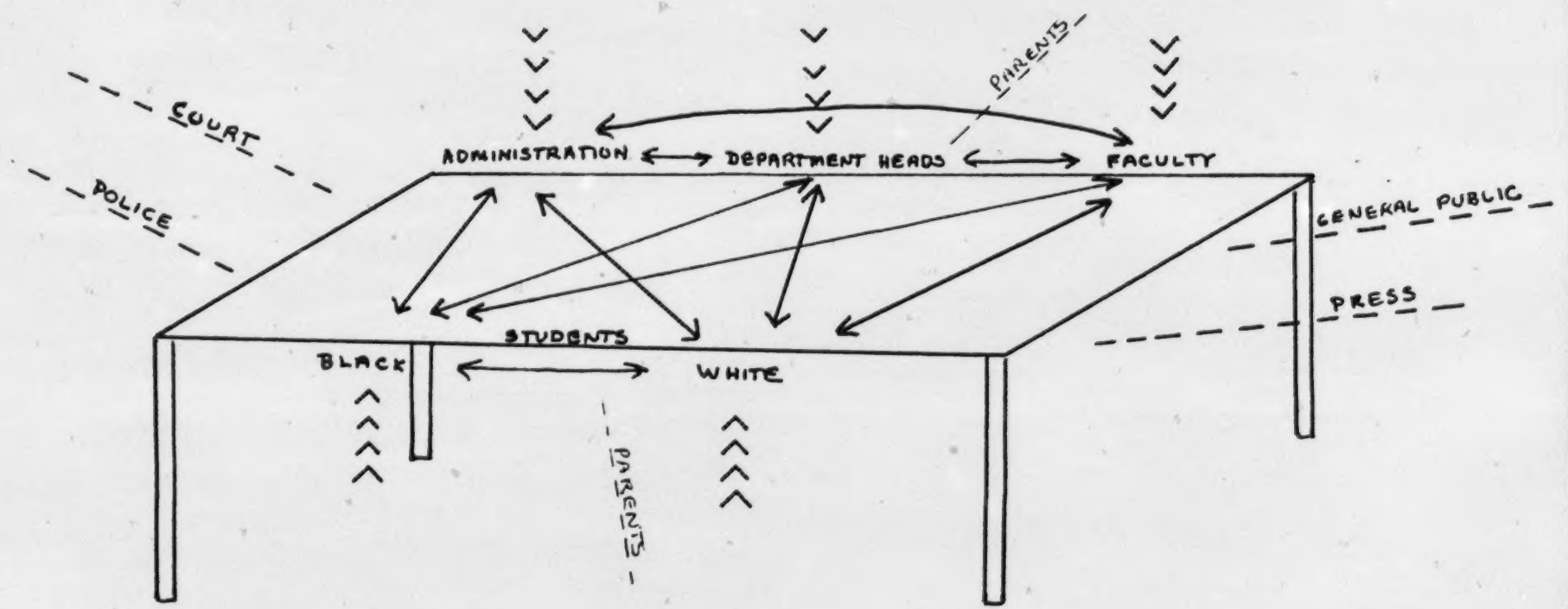
4 UNIONIZED TENURED TEACHERS

2 UNIONIZED NEW TEACHERS

ALL WHITE

FIGURE 2

MULTILATERAL BARGAINING DYNAMICS



↔ POINTS OF CONFLICT

- - - - EXTERNAL PRESSURE POINTS

V ^ VERTICAL BARGAINING PRESSURE POINTS

FIGURE 3

VERTICAL BARGAINING DYNAMICS

BLACK STUDENTS	WHITE STUDENTS	ADMINISTRATION	DEPARTMENT HEADS	FACULTY
STUDENTS	STUDENTS	PROFESSIONAL ASSOCIATION	FACULTY	UNION
PARENTS	PARENTS	DISTRICT SUPERINTENDENT	ADMINISTRATION	LOCAL UNI
NEIGHBORHOOD ORGANIZATIONS	ANTI BUSSING GROUPS NEIGHBORHOOD	ASSISTANT SUPER-INTENDENT		STATE UN
CITY-WIDE ORGANIZATIONS	CITY-WIDE	SUPERINTENDENT		
CIVIL RIGHTS GROUPS	NEIGHBORHOOD ORGANIZATIONS	SCHOOL COMMITTEE		
ELECTED OFFICIALS LEGISLATURE STATE	ELECTED OFFICIALS LEGISLATURE CITY	CITY COUNCIL		
POLICE	POLITICAL CANDIDATES	MAYOR POLICE		
COURTS	POLICE	COURT		